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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroshi KOBATA et al. Art Unit : 2152
Serial No. : 09/258,609 Examiner : P. Kang
Filed : February 26, 1999
Title : ELECTRONIC PARCEL DELIVERY SYSTEM

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BRIEF ON APPEAL**(1) Real Party in Interest**

Atabok Japan, Inc. is the real party in interest.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 1-32 are pending in the application, with claims 1, 13 and 16 being independent. All of the claims have been rejected.

(4) Status of Amendments

The claims have not been amended subsequent to the final rejection.

(5) Summary of Invention

The claims are related to an electronic parcel delivery system for delivering information between computer systems over a network. The system includes a server system connected to a network. The server system stores digital information received over the network. The digital information may represent, for example, a parcel, a document, an image, or an audio file. A sending system connected to the network transmits a notification to a receiving system. The notification signifies that the sending system is transmitting the digital information to the server system over the network and that the digital information may be accessible by the receiving system. See p. 3, line 17 to p. 4, line 3. An exemplary system is illustrated in Fig. 2.

(6) Issues

Is the subject matter of claims 1, 2, 5-11, 13, 16, 17, 19, 23 and 27 anticipated by Bobo, II, U.S. Patent No. 5,675,507 ("Bobo II")? Would the subject matter of claims 3, 4, 12, 14, 15, 18, 20-22, 24-26 and 28-32 have been obvious over Bobo in view of Masters, U.S. Patent No. 5,872,930 ("Masters")?

(7) Grouping of Claims

The claims stand or fall together.

(8) Argument

- a. Bobo II does not anticipate the subject matter of claims 1, 2, 5-11, 13, 16, 17, 19, 23 and 27.**

Claims 1, 2 and 5-11

Independent claim 1 recites an electronic parcel delivery apparatus that includes a server system and a sending system connected to a network. In the apparatus, the server system stores digital information received from the sending system through the network and the sending system transmits a notification to the receiving system. The notification signifies that the sending system is transmitting the digital information to the server system over the network and that the digital information may be accessible by the receiving system.

Appellants request reversal of the rejection of claim 1 (and its dependent claims 2 and 5-11) because Bobo II fails to describe or suggest having a **sending system transmit a notification to a receiving system, with the notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system**, as recited in claim 1.

Instead, Bobo II discloses:

... a message storage and delivery system [(MSDS 10)] receives an incoming call and detects an address signal associated with the incoming call, the address signal being associated with a user of the message storage and delivery system. A message accompanied with the address signal is then received and converted from a first file format to a second file format. The message is stored in the second file format within a storage area and is retrieved after a request has

been received from the user. At least a portion of the message is then transmitted to the user over a network with the second file format being a mixed media page layout language. (Col. 4, lines 54-67.)

Preferably, the network storage and delivery system can receive facsimile messages, data messages, or voice messages and the network is the Internet. The messages are converted into hyper-text mark-up language **and the user is notified that a message has arrived through E-mail or through a paging system.** A listing of the facsimile messages may be sent to the user in one of several formats. These formats include a textual only listing or a listing along with a full or reduced size image of the first page of each message. A full or reduced size image of each page of a message in the listing may alternatively be presented to the user. (Col. 5, lines 14-25 (emphasis added).)

Thus, Bobo II sends notification using e-mail or a paging system. However, in marked contrast to the apparatus recited in claim 1, the MSDS 10 (which most closely corresponds to the recited server system) is the portion of the Bobo II system that notifies the user. That is, the MSDS 10 receives/stores the messages (e.g., digital information) **and** sends the notification to the user. In this regard and with reference to Figures 1-3, Bobo II further discloses:

Prior to gaining access to the mailbox at step 72, the user is preferably sent a greeting page or other such type of information which permits the user to learn about the services provided by the MSDS 10, open an account with the MSDS 10, or gain access to an account. Once access is provided at step 72, the user is provided with information indicating the total number of messages stored in his or her mailbox within the MSDS 10. Preferably, the **information sent by the MSDS 10** indicates the total number of messages for each type of message and also the total number of saved messages versus the total number of new messages. (Col. 7, lines 57-67.)

When a new message is received at step 54 in FIG. 2, the user's mailbox is updated to display the total number and types of messages. The MSDS 10 might also update other files in addition to the total listing of messages. **Additionally, at this time, the MSDS 10 sends an E-mail message to the user's computer 32 to inform the user of the newly arrived message. The MSDS 10 could also send notice to the user through a paging system so that the user receives almost instantaneous notice that a message is received.** (Col. 7, lines 57-67 (emphasis added).)

Appellants note that additional information regarding the notification sent by the MSDS 10, and the detailed structure of the MSDS 10, is disclosed at Figures 13-15 and Col. 17, lines 6-35.

Moreover, since the MSDS sends the message to the user's computer after receipt of a message, the message necessarily would not signify that the sending system is transmitting digital information that may be accessible at the server system. Rather, the message would, at

best, indicate that the sending system transmitted digital information that is accessible at the server system.

As such, Bobo II does not disclose all of the limitations of independent claim 1. Specifically, Bobo II does not disclose or suggest “a sending system connected to the network and transmitting a notification to the receiving system, the notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system,” as recited in claim 1. Accordingly, appellants request reversal of the rejection of claim 1.

The failure of Bobo II to describe or suggest having the sending system transmit the notification to the receiving system was raised in response to the first office action. In essence, the final action appears to address this issue by arguing that the noted recitation in Bobo II may be ignored and that the generation and transmission of the notification message by the MSDS system in response to receipt of a message is equivalent to the claimed transmission of a notification message by the sending system. Appellant respectfully submits that the two actions are not equivalent. Claim 1 specifically contemplates two different transmissions by the sending system: transmission of a notification message to the receiving system and transmission of the digital information over the network to the server system. The Examiner is not free to ignore these separate elements of the claim in rejecting the claims as being anticipated, nor is the Examiner free to ignore the specific recitations in Bobo II.

For the reasons noted above, appellant requests reversal of the rejection of claim 1 and claims 2 and 5-11, which depend from claim 1.

Claim 13

Independent claim 13 recites to an electronic parcel delivery system that includes a server system, a sending system, and a receiving system in communication with the server system and the sending system. Similarly to claim 1, the sending system transmits digital information to the server system and a notification to the receiving system, with the notification signifying to the receiving system that the sending system has transmitted the digital information to the server

system. The receiving system, in response to the notification, can access the server system to obtain the digital information.

Appellant requests reconsideration and withdrawal of the rejection of claim 13 because, as discussed above with respect to claim 1, Bobo II fails to describe or suggest that the sending system transmits digital information to the server system and a notification to the receiving system.

Claims 16, 17, 19, 23 and 27

Similarly to claim 1, independent claim 16 recites an electronic parcel delivery method that includes transmitting digital information from a sending system to a server system over the network, storing transmitted digital information at a storage device, and transmitting a notification from the sending system to a receiving system. The notification indicates that the sending system is transmitting digital information to the server system and that the digital information may be accessible to the receiving system. Appellant requests reversal of the rejection of claim 16 and its dependent claims 17, 19, 23 and 27 for the reasons discussed above with respect to claim 1.

b. The subject matter of claims 3, 4, 12, 14, 15, 18, 20-22, 24-26 and 28-32 would not have been obvious over Bobo II in view of Masters because Masters does not remedy the failure of Bobo II to describe or suggest the subject matter of the independent claims.

Masters discloses a technique for balancing loads between email servers within a local area network. A cost is assigned to each potential message route between the sites in an electronic messaging system, and a weight is calculated for each potential message route based on its assigned cost. A message route between the two sites is chosen based on the collective calculated weights. (Col. 2, lines 18-34.) Like Bobo II, Masters in no way describes or suggests "a sending system connected to the network and transmitting a notification to the receiving system, the notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system," as recited in claim 1, or either of the similar elements

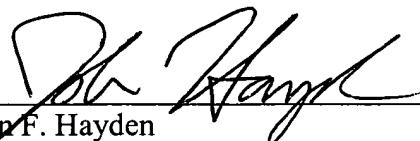
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recited in claims 13 and 16. For at least this reason, Appellant requests withdrawal of the rejection of claims 3, 4, 12, 14, 15, 18, 20-22, 24-26 and 28-32.

The brief fee of \$160 is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,


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Appendix of Claims

1. An apparatus for electronically delivering a document to a receiving system over a network, comprising:

 a server system connected to the network and storing digital information received over the network; and

 a sending system connected to the network and transmitting a notification to the receiving system, the notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system.

2. The apparatus of claim 1 wherein the server system receives the digital information from the sending system.

3. The apparatus of claim 1 wherein the server system is a first server system, and further comprising:

 a second server system in communication with the sending system and the first server system, wherein the first server system receives the digital information from the sending system via the second server system.

4. The apparatus of claim 1 further comprising:

 a second server system in communication with the sending and receiving systems, and wherein the sending system transmits the notification to the receiving system through the second server system.

5. The apparatus of claim 1 further comprising:

 a storage device in communication with the server system; and
 wherein the server system stores the digital information at an address location of the storage device, and wherein the server system includes a page providing a path by which the receiving system can access the digital information at that address location.

6. The apparatus of claim 5 wherein the notification includes a resource locator.

7. The apparatus of claim 6 wherein the resource locator addresses the page on the server system.

8. The apparatus of claim 5 wherein the page requests valid authentication information from the receiving system before granting access to the digital information.

9. The apparatus of claim 5 wherein the page provides access to a graphical window describing contents of the digital information.

10. The apparatus of claim 9 wherein the graphical window includes a resource locator indirectly referencing the address location in the storage device where the digital information is stored.

11. The apparatus of claim 10 further comprising:

a data structure mapping identifiers to address locations in the storage device, and wherein the resource locator includes an unique identifier corresponding to the digital information, the resource locator referencing a second page on the server system that accesses the data structure using the unique identifier to determine the address location of the digital information.

12. The system of claim 1 wherein the server system is a group of server systems acting logically as a single server system.

13. An electronic document delivery system, comprising:

a server system;
a sending system; and
a receiving system in communication with the server and the sending systems, and wherein the sending system transmits digital information to the server system and a notification

to the receiving system, the notification signifying to the receiving system that the sending system has transmitted the digital information to the server system; and wherein the receiving system, in response to the notification, can access the server system to obtain the digital information.

14. The system of claim 13 further comprising:

a second server system, in communication with the sending and the receiving systems, receiving the notification from the sending system and forwarding the notification to the receiving system.

15. The system of claim 13 wherein the server system is a first server system, and further comprising:

a second server system, in communication with the sending and the first server systems, receiving the digital information from the sending system and forwarding the digital information to the first server system.

16. A method for delivering a document from a sending system to a receiving system over a network, comprising the steps of:

transmitting digital information from the sending system to a server system over the network;

storing the transmitted digital information at a storage device; and

transmitting a notification from the sending system to the receiving system signifying to the receiving system that the sending system is transmitting the digital information to the server system and that the digital information may be accessible to the receiving system.

17. The method of claim 16 further comprising the step of transmitting the digital information from the server system to the receiving system in response to a request from the receiving system to access the digital information.

18. The method of claim 16 further comprising the step of confirming that the receiving system has completely received the digital information.

19. The method of claim 18 further comprising the step of executing server-side software on the server system through which the receiving system can obtain access to the digital information.

20. The method of claim 18 further comprising the step of maintaining a page on the server system through which the receiving system can obtain access to the digital information.

21. The method of claim 20 wherein the notification includes a resource locator for accessing the page on the server system.

22. The method of claim 16 wherein the sending system concurrently transmits the notification and the digital information.

23. The method of claim 16 wherein the server system receives the digital information from the sending system.

24. The method of claim 16 further comprising the steps of:
receiving the notification at a second server system on the network; and
transmitting the notification from the second server system to the receiving system.

25. The method of claim 16 wherein the server system is a first server system and further comprising the steps of:
receiving the digital information at a second server system; and
transmitting the digital information from the second server system to the first server system.

26. The method of claim 16 wherein the server system is a first server system and further comprising the steps of:

receiving the notification and the digital information at a second server system on the network;

transmitting the notification from the second server system to the receiving system; and

transmitting the digital information from the second server system to the first server system.

27. The method of claim 16 further comprising the step of:

authenticating a user of the receiving system at the server system before granting access to the digital information by the user.

28. The method of claim 16 further comprising the step of tracking the digital information in real-time through the network.

29. The method of claim 28 wherein the step of tracking includes notifying the sending system when the receiving system starts using the digital information.

30. The method of claim 16 further comprising the step of canceling delivery of the digital information by the sending system after the sending system transmits the digital information to the server system.

31. The method of claim 16 further comprising the step of canceling delivery of the digital information at any time before the receiving system uses the digital information.

32. The method of claim 16 further comprising the steps of:

transmitting the digital information from the server system to the receiving system;

experiencing an interruption at a point in the transmission of the digital information;

reestablishing a connection between the server system and the receiving system; and

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resuming transmission of the digital information starting with previously unsent digital information at the point of interruption.